

10-10-2006

To: J.T. Noblin, Clerk  
U.S. District Court (S.D. Miss.)  
701 Main St. Suite 200  
Hattiesburg, Ms. 39401

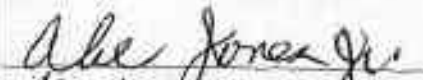
FROM: Abe Jones, Jr. # 65170  
S.M.C.I.-II, D-2, Bed 8  
P.O. Box 1419  
Leakesville, Ms. 39451

Re: Notice of Appeal  
No. 2:04 cv 349-R

Dear Clerk,

On July 17, 2006, my case was dismissed I immediately filed Notice of Appeal, but until present date I have heard nothing of my appeal to the U.S. Court of Appeals for the Fifth Circuit. "What happen to my Notice of Appeal filed in this matter?" Please advised me if you need the M.D.O.C. mail log to prove or as proof that Notice of Appeal was mailed.

Sincerely,

  
Abe Jones, Jr. #65170

**U.S. District Court  
Southern District of Mississippi (Hattiesburg)  
CIVIL DOCKET FOR CASE #: 2:04-cv-00349-KS-MTP**

Jones v. Buckley, et al  
Assigned to: District Judge Keith Starrett  
Referred to: Magistrate Judge Michael T. Parker  
Demand: \$0  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/13/2004  
Jury Demand: None  
Nature of Suit: 555 Habeas Corpus  
(Prison Condition)  
Jurisdiction: Federal Question

**Plaintiff**

**Abe Jones, Jr.**

represented by **Abe Jones, Jr.**  
# 65170  
S.M.C.I II D1-33  
P.O. Box 1419  
Leakesville, MS 39451  
PRO SE

V.

**Defendant**

**Anthony J Buckley**  
*TERMINATED: 02/10/2005*

**Defendant**

**Jay L Jernigan**  
*TERMINATED: 02/10/2005*

**Defendant**

**Larry Dykes**

represented by **J. Lawson Hester**  
Page, Kruger & Holland, P.A.  
P. O. Box 1163  
Jackson, MS 39215-1163  
601/420-0333  
Fax: 601/420-0033  
Email: lhester@pkh.net  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Roger Earl Williams**

represented by **J. Lawson Hester**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Gaylon Harper**

**TERMINATED: 02/10/2005**

Date Filed	#	Docket Text
10/13/2004	1	COMPLAINT ; Notice of Assignment mailed. (mjr) (Entered: 10/18/2004)
10/13/2004		Case assigned to Administrative Track. (mjr) (Entered: 10/18/2004)
10/13/2004	1	MOTION by plaintiff Abe Jones Jr. to Proceed in Forma Pauperis (mjr) (Entered: 10/18/2004)
10/20/2004	2	ORDER: The Clerk is directed to mail to prisoner a copy of notice of new law (PSP-1); acknowledgement of receipt and certification (PSP-3); and form for voluntary dismissal (PSP-4). Plaintiff is directed to sign either the Acknowledgment (PSP-3) or Notice of Voluntary Dismissal (PSP-4) and return within 30 days of the date of this order or case may be dismissed without prejudice. Order with packet of forms mailed. ( signed by Judge Dan M. Russell Jr. 10/19/04 ) Plaintiff to respond by 11/19/04 (akl) (Entered: 10/20/2004)
10/26/2004	3	Acknowledgement of receipt of Prisoner Litigation Reform Act and amendments to MCA 47-5-138 by plaintiff Abe Jones Jr. (akl) (Entered: 10/26/2004)
12/06/2004	4	ORDER; that within (20) twenty days, plaintiff shall file an amended complaint ( signed by Judge Dan M. Russell Jr. ); copies mailed. (mjr) (Entered: 12/06/2004)
12/06/2004	5	ORDER granting [1-1] motion to Proceed in Forma Pauperis , except to the extent that plaintiff is required to make payments as set forth: Plaintiff shall pay the full amount of filing fee of \$150.00 by payments to the Clerk of Court by the prison where Plaintiff is incarcerated. Plaintiff is required to pay an initial partial filing fee of \$36.72, and to make monthly payments of 20 percent of the preceding month's income credited to his prison account, until he has paid the total filing fee of \$150.00. Clerk is directed to mail copies of this order to Plaintiff and * (text in authorized prison official). ( signed by Judge Dan M. Russell Jr. ) Copies mailed. (mjr) (Entered: 12/06/2004)
12/17/2004	6	AMENDED COMPLAINT by plaintiff Abe Jones Jr. amending [1-1] complaint; copy pro se (akl) (Entered: 12/17/2004)
01/03/2005	7	ORDER REASSIGNING CASE. Case reassigned to Judge Keith Starrett and Robert H. Walker for all further proceedings. Judge Dan M. Russell, Jr no longer assigned to case. Signed by Judge Henry T. Wingate on 12/30/04. (Attachments: # 1)(Rigdon, Michael) (Entered: 01/05/2005)
02/10/2005	8	ORDER, Plaintiff to provide Court within 20 days with information set forth in Order; Clerk directed to issue summons as set forth in Order; subpoenas shall not be issued except by order of the Court ; CASE

		REFERRED to Magistrate Judge Robert H. Walker for report and recommendations; Defendants Jay L. Jernigan, Anthony J Buckley and Gaylon Harper are dismissed without prejudice and terminated. Signed by Judge Keith Starrett on 2/9/05. (scp, ) (Entered: 02/10/2005)
02/15/2005		Summons Issued as to Larry Dykes, Roger Earl Williams. (Rigdon, Michael) (Entered: 03/25/2005)
02/17/2005	<u>9</u>	Response to Order by Abe Jones, Jr, Abe Jones, Jr re <u>8</u> ORDER, Plaintiff to provide Court within 20 days with information set forth in Order; Clerk directed to issue summons as set forth in Order; subpoenas shall not be issued except by order of the Court ; CASE REFERRED to Magistrate Judge Robert H. Walker for report and recommendations; Defendants Jay L. Jernigan, Anthony J Buckley and Gaylon Harper are dismissed without prejudice and terminated. Signed by Judge Keith Starrett on 2/9/05. (scp, ) filed by Abe Jones, Jr, Abe Jones, Jr. (Rigdon, Michael) (Entered: 02/17/2005)
04/01/2005	<u>10</u>	ANSWER to Complaint, ANSWER to Amended Complaint by Larry Dykes.(Hester, J.) (Entered: 04/01/2005)
04/07/2005	<u>11</u>	ORDER setting Omnibus hearing for Tuesday, April 19, 2005 at 4:00 pm. Signed by Judge Robert H. Walker on April 7, 2005. (jrussell, ) (Entered: 04/07/2005)
04/15/2005	<u>12</u>	<i>Seperate Answer and Defenses of Roger Williams</i> ANSWER to Complaint, ANSWER to Amended Complaint by Larry Dykes, Roger Earl Williams.(Hester, J.) (Entered: 04/15/2005)
04/19/2005		Minute Entry for proceedings held before Judge Robert H. Walker : Omnibus Hearing held on 4/19/2005. Plaintiff appeared pro se, was sworn, advised of option of consent, but did not sign consent form. The Court will enter a discovery order for 60 days and dispositive motion deadline of 30 days thereafter. Plaintiff made Jury demand in his amended complaint. Defense counsel Paul Kimble was also present. (Court Reporter M Seal.) (jrussell, ) (Entered: 04/19/2005)
04/27/2005	<u>13</u>	SCHEDULING ORDER: Discovery due by 6/20/2005. Motions due by 7/20/2005.. Signed by Judge Robert H. Walker on April 27, 2005. (King, Steve) (Entered: 04/27/2005)
05/20/2005	<u>14</u>	MOTION for Discovery Request for Production of Documents by Abe Jones, Jr. (Rigdon, Michael) (Entered: 05/20/2005)
05/20/2005	<u>15</u>	U.S. Marshal's Return Unexecuted as to Roger Williams. (Rigdon, Michael) (Entered: 05/20/2005)
05/20/2005	<u>16</u>	U.S. Marshal's Return Executed as to Larry Dykes. (Rigdon, Michael) (Entered: 05/20/2005)
06/14/2005		COURT REPORTERS TRANSCRIPT OF OMNIBUS HEARING Proceedings held on April 19, 2005 before Judge Robert H. Walker. Court Reporter: M. Seal. (Rigdon, Michael) (Entered: 06/14/2005)

06/14/2005	<u>17</u>	NOTICE of Service of Response to Request for Production by Larry Dykes, Roger Earl Williams.(Hester, J.) (Entered: 06/14/2005)
06/15/2005	<u>18</u>	ORDER finding as moot <u>14</u> Motion for Discovery. Signed by Judge Robert H. Walker on June 15, 2005. (King, Steve) (Entered: 06/15/2005)
07/05/2005	<u>19</u>	MOTION for an Order Compelling Discovery by Abe Jones, Jr. (Attachments: # <u>1</u> )(Rigdon, Michael) (Entered: 07/05/2005)
07/12/2005	<u>20</u>	MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION Order Compelling Discovery by Larry Dykes, Roger Earl Williams. (Hester, J.) (Entered: 07/12/2005)
07/13/2005		TEXT ONLY ORDER granting <u>20</u> Motion for Extension of Time to File Response/Reply as to <u>19</u> MOTION Order Compelling Discovery, Responses due by 7/20/2005. NO FURTHER WRITTEN ORDER WILL ISSUE FROM THE COURT. Signed by Judge Robert H. Walker on July 13, 2005. (King, Steve) (Entered: 07/13/2005)
07/19/2005	<u>21</u>	RESPONSE to Motion re <u>19</u> MOTION Order Compelling Discovery filed by Larry Dykes, Roger Earl Williams. (Hester, J.) (Entered: 07/19/2005)
07/19/2005	<u>22</u>	MOTION for Extension of Time to File <i>Dispositive Motion</i> by Larry Dykes. (Hester, J.) (Entered: 07/19/2005)
07/20/2005		TEXT ONLY ORDER granting <u>22</u> Motion for Extension of Time to File Dispositive Motions. NO FURTHER WRITTEN ORDER WILL ISSUE FROM THE COURT. Signed by Judge Robert H. Walker on July 20, 2005. (King, Steve) (Entered: 07/20/2005)
07/20/2005		Set Deadlines/Hearings: Motions due by 7/29/2005. (King, Steve) (Entered: 07/20/2005)
07/29/2005	<u>23</u>	MOTION for Summary Judgment by Larry Dykes, Roger Earl Williams. (Attachments: # <u>1</u> Exhibit Exhibits A-G# <u>2</u> Exhibit Exhibits H-J to SJM) (Hester, J.) (Entered: 07/29/2005)
02/02/2006	<u>24</u>	REPORT AND RECOMMENDATIONS re <u>23</u> MOTION for Summary Judgment filed by Roger Earl Williams., Larry Dykes., [1] Complaint, [6] Amended Complaint filed by Abe Jones, Jr. Recommending that <u>23</u> Motion for Summary Judgment be granted and complaint dismissed. Objections to R&R due by 2/16/2006. Signed by Judge Robert H. Walker on February 2, 2006. (King, Steve) (Entered: 02/02/2006)
02/02/2006	<u>25</u>	ORDER denying <u>19</u> Motion for Order to Compel Discovery . Signed by Judge Robert H. Walker on February 2, 2006. (King, Steve) (Entered: 02/02/2006)
02/24/2006	<u>26</u>	Response in Opposition re <u>24</u> REPORT AND RECOMMENDATIONS re <u>23</u> MOTION for Summary Judgment filed by Roger Earl Williams., Larry Dykes., [1] Complaint, [6] Amended Complaint filed by Abe Jones, Jr. Recommending that <u>23</u> Motion for Summary Judgment be granted and complaint dismissed. Objections to R&R due by 2/16/2006.

		Signed by Judge Robert H. Walker on February 2, 2006. (King, Steve) filed by Abe Jones, Jr. (Rigdon, Michael) (Entered: 02/24/2006)
07/17/2006	<u>27</u>	ORDER Accepting Magistrate Judge's Recommendation and Dismissing Petition With Prejudice. Any other pending motions are dismissed as moot. A separate judgment will be entered pursuant to Rule 58 of the Federal Rules of Civil Procedure. Signed by Judge Keith Starrett on July 17, 2006. (Lampton, Donna) (Entered: 07/17/2006)
07/20/2006	<u>28</u>	JUDGMENT; case is dismissed with prejudice. Signed by Judge Keith Starrett on 7/17/06. (Rigdon, Michael) (Entered: 07/20/2006)
07/25/2006	<u>29</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Michael T. Parker for all further proceedings. Judge Robert H. Walker no longer assigned to case. Signed by Judge Henry T. Wingate on 7/25/2006. (Attachments: # 1)(Rigdon, Michael) (Entered: 07/26/2006)

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11/01/2006 13:26:31			
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Billable Pages:	3	Cost:	0.24

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Timeframe 08/01/2006 between and 09/01/2006

Offender Name: JONES, ABE JR

Offender Number: 65170

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

ABE JONES, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 2:04 CV 349-KS-RHW

ANTHONY J. BUCKLEY, ET AL.,

DEFENDANTS

NOTICE OF APPEAL

Comes Now, Abe Jones, Jr., #65170, acting Pro Se through the assistance of an inmate writ writer, being aggrieved by the Judgment entered by this Court on July 17, 2006 dismissing with prejudice the above styled and numbered 42 U.S.C. § 1983 CIVIL ACTION and desires to proceed on appeal in lieu of this decision pursuant to F.R.A.P. 10 to the United States Court of Appeal for the Fifth Circuit. (See Order Attached).

Date: 8-8-2006

(s) Abe Jones Jr.  
Abe Jones, Jr. #65170



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

ABE JONES, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 2:04 cv 349-KS-RHW

ANTHONY J. BUCKLEY, ET AL.,

DEFENDANTS

DESIGNATION OF RECORDS

I, Abe Jones, Jr., #65170, Appellant, Pro Se, pursuant to Federal Rules Appellate Procedure, 10(b)(1), designates the following parts of the record as being necessary to be included on appeal to the United States Court of Appeals for the Fifth Circuit.

1. All Clerks papers, transcripts of any hearings, any and all discovery materials given, had or obtained during the course of these proceedings from the Defendants, any and all briefs and reply briefs filed by either party taken or offered in this case.
2. All Orders and Judgments entered by the Court, or any other opinions.

Respectfully Submitted,

This the 8th day of August, 2006.

Abe Jones Jr.  
Abe Jones, Jr. #65170

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT COURT MISSISSIPPI  
HATTIESBURG DIVISION

ABE JONES, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 2:04-cv-349-KS-RHW

ANTHONY J. BUCKLEY, ET AL.,

DEFENDANTS

CERTIFICATE OF COMPLIANCE

I, ABE JONES, JR., #65170, Plaintiff, acting Pro Se through the assistance of an inmate writ writer, pursuant to F.R.A.P. 11(b)(1), certify that I am unable to obtain an accurate estimate of the cost of preparing the designated records on appeal due to the fact that I am incarcerated in the Mississippi Dept. of Corrections and housed at the South Mississippi Correctional Institution in Leakesville, Ms. and cannot freely contact the Clerk of the United States District Court for this information.

This the 8th day of August, 2006

Respectfully Submitted,

Abe Jones Jr.  
Abe Jones, Jr., #65170 Pro Se

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

ABE JONES, JR.

VS.

CIVIL ACTION NO. 2:04cv349-KS-RHW

ANTHONY J. BUCKLEY, ET AL

JUDGMENT

This matter having come on to be heard on this date upon the Proposed Findings of Fact and Recommendations of the United States Magistrate Judge Robert H. Walker entered herein on February 2, 2006, and the Court, after a full review of the record, having adopted said Proposed Findings of Fact and Recommendations as the finding of this Court, finds that this matter should be **dismissed** with prejudice.

The plaintiff is hereby notified that, pursuant to Rule 4(a) of the Federal Rules of Appellate Procedure, he has the right to appeal this Order to the United States Court of Appeals for the Fifth Circuit within thirty (30) days of the entry of the final judgment in this matter.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above captioned cause be, and the same hereby is, **dismissed** with prejudice.

SO ORDERED AND ADJUDGED this the 17<sup>th</sup> day of July, 2006.

s/ *Keith Starrett*

UNITED STATES DISTRICT JUDGE

Certificate of Service

This is to certify that I, Abe Jones, Jr. #65170, the undersigned, have this day and date mailed, via United States Mail, postage-prepaid, a true and correct copy of the foregoing and attached Notice of Appeal to the following persons:

J.T. Noblin, Clerk  
U.S. District Court  
Southern District Mississippi  
2012 15th Street, Suite 403  
Gulfport, Mississippi 39501

This the 8th day of August, 2006

(s) Abe Jones Jr  
Abe Jones, Jr. #65170, Pro Se  
S.M.C.I. - II, D-2, A-Zone  
Post Office Box 1419  
Leakesville, Ms. 39451

Albe Jones JR. #05170 - Bed-8  
S.M.C.I. - AREA-2 - D-2 - A-Zone  
PO, BOX 1419  
Leakesville, MS, 39451

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701 Main Street, Room 200  
Hattiesburg, MS 39401



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